

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 16, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE DELA RIVAS,

Defendant.

No. 2:24-CR-00116-MKD

STIPULATED PROTECTIVE
ORDER REGARDING
IDENTIFICATION OF MINOR
VICTIM PURSUANT TO
18 U.S.C. § 3509, AND ORDER
GRANTING MOTION TO
EXPEDITE

ECF Nos. 21, 22

Before the Court are the parties' Stipulation for Protective Order Regarding Identification of Minor Victim Pursuant to 18 U.S.C. § 3509, ECF No. 21, and the United States' related Motion to Expedite, ECF No. 22. Given the nature of the allegations in this case, the parties stipulate to impose privacy protection measures pursuant to 18 U.S.C. § 3509. The Court has reviewed the motions and the record and is fully informed. The Court finds good cause to grant the motions.

Accordingly, **IT IS HEREBY ORDERED:**

1 1. The parties' Stipulation for Protective Order Regarding Identification
2 of Minor Victim Pursuant to 18 U.S.C. § 3509, **ECF No. 21**, and the United States'
3 Motion to Expedite, **ECF No. 22**, are **GRANTED**.

4 2. The privacy protection measures mandated by 18 U.S.C. § 3509(d),
5 which apply when a case involves a person under the age of eighteen years who is
6 alleged to be a victim of a crime of sexual exploitation or abuse, or a witness to a
7 crime committed against another person, apply to this case.

8 3. All persons acting in this case in a capacity described in 18 U.S.C.
9 § 3509(d)(1)(B), shall:

- 10 a. Keep all documents that disclose the names, identities, personal
11 identifying information ("PII") or any other information concerning
12 minors in a secure place to which no person who does not have reason
13 to know their contents has access;
- 14 b. Disclose such documents or the information in them that concerns
15 minors only to persons who, by reason of their participation in the
16 proceeding, have reason to know such information;
- 17 c. Not permit Defendant to review discovery outside the presence of
18 defense counsel or a defense investigator;
- 19 d. Not permit Defendant to keep discovery in their own possession
20 outside the presence of defense counsel or a defense investigator; and

1 e. Not permit Defendant to keep, copy, or record the identities of any
2 minor or victim identified in discovery in this case.

3 4. All papers to be filed in Court that disclose the names or any other
4 information identifying or concerning minors shall be filed under seal without
5 necessity of obtaining a Court order, and that the person who makes the filing shall
6 submit to the Clerk of the Court:

7 a. The complete paper to be kept under seal; and

8 b. The paper with the portions of it that disclose the names or other
9 information identifying or concerning children redacted, to be placed
10 in the public record.

11 5. The parties and the witnesses shall not disclose minors' identities
12 during any proceedings connected with this case. The parties and witnesses will
13 refer to alleged minor victims only by using agreed-upon initials or pseudonyms
14 (e.g., "Minor 1"), rather than their bona fide names, in motions practice, opening
15 statements, during the presentation of evidence, in closing arguments, and during
16 sentencing.

17 6. The United States may produce discovery to Defendant that discloses
18 the bona fide identity, images, and PII of the alleged minor victims, in order to
19 comply with the United States' discovery obligations. Defendant, the defense
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1 team, Defendant's attorney and investigator, and all of their externs, employees,
2 and/or staff members, shall keep this information confidential as set forth above.

3 7. This ORDER shall apply to any attorneys who subsequently become
4 counsel of record, without the need to renew or alter the ORDER.

5 8. This ORDER shall apply to the bona fide identity, images, and PII of
6 any minors who are identified over the course of the case, whether or not such
7 minors are known to the United States and/or Defendant at the time the ORDER is
8 entered by the Court.

9 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
10 and provide copies to all counsel.

11 **DATED** September 16, 2024.

12 *s/Mary K. Dimke*
13 MARY K. DIMKE
14 UNITED STATES DISTRICT JUDGE
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